

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HELEN GREENE JOHNSON, *as*
Administrator Of the Estate of Khalil Islam,
also known as Thomas Johnson, Deceased,

**STIPULATION AND ORDER
TO TRANSFER VENUE**

Plaintiff,

Civil Action No.
23-cv-08506

v.

UNITED STATES,

(Cho, M.J.)

Defendant.

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WHEREAS, on November 16, 2023, Plaintiff Helen Green Johnson (“Plaintiff”), Administrator of the Estate of Khalil Islam, also known as Thomas Johnson (“Mr. Islam”), commenced the above-captioned action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2671-80 (“FTCA”), by filing a complaint (“Complaint”) in the United States District Court for the Eastern District of New York, alleging, *inter alia*, that the prosecution, conviction, and imprisonment of Mr. Islam were caused, in part or in whole, by certain actions and omissions by agents of the Federal Bureau of Investigation;

WHEREAS, in 1966, Mr. Islam was prosecuted by the New York County District Attorney’s Office in New York County, New York;

WHEREAS, in 1966, Mr. Islam was convicted by a jury in the New York State Supreme Court, for the County of New York, located at 100 Centre Street, New York, New York, 10013;

WHEREAS, in November 2021, Mr. Islam, through counsel, and his co-defendant, Muhammad A. Aziz, filed in the Supreme Court of the State of New York in New York County, New York, a motion to vacate the 1966 judgments of conviction of Mr. Islam and Mr. Aziz and to

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dismiss the indictments in the Supreme Court of the State of New York in New York County, New York; the motion, which was filed jointly with the New York County District Attorney's Office, was granted by the Honorable Ellen N. Biben, Administrative Judge for the New York County Supreme Court, Criminal Term;

WHEREAS, New York County, New York, is located within the geographic boundaries of Southern District of New York;

WHEREAS, Plaintiff does not, nor did she when she filed the Complaint, reside within the geographic boundaries of the Eastern District of New York;

WHEREAS, Plaintiff contended that venue is proper in this district based on the occurrence of alleged acts and omissions within the geographic boundaries of the Eastern District of New York, but hereby waives that contention and agrees that venue is proper in the Southern District of New York;

WHEREAS, the parties jointly agree, pursuant to 28 U.S.C. § 1402(b), that venue in the above-captioned action would be proper in the United States District Court for the Southern District of New York inasmuch as FTCA claims may be brought in the district where the act or omission complained of occurred;

WHEREAS, the parties jointly agree, pursuant to 28 U.S.C. § 1404(a), to transfer this suit to the United States District Court for the Southern District of New York;

WHEREAS, absent transfer, the Defendant United States's deadline to answer, move, or otherwise respond to the Complaint currently expires February 15, 2024; and

WHEREAS, neither party waives any argument, claim, or defense in this action;

IT IS NOW HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant United States, by their respective undersigned counsel, that:

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1. Pursuant to 28 U.S.C. § 1404(a), this action shall be transferred to the United States District Court for the Southern District of New York; and
2. Defendant United States' time to answer, move, or otherwise respond to the Complaint is extended to 60 days after this action is docketed in the United States District Court of the Southern District of New York.

Dated: New York, New York
February 1, 2024

SHANIES LAW OFFICE

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Dated: Brooklyn, New York
February 1, 2024

BREON PEACE
United States Attorney

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SO ORDERED this
____ day of February 2024

THE HONORABLE JAMES R. CHO
United States Magistrate Judge
Eastern District of New York